

**DURHAM, NORTH CAROLINA
MONDAY, SEPTEMBER 16, 2013
7:00 P.M.**

The Durham City Council met in regular session on the above date and time in the Council Chambers at City Hall with the following members present: Mayor William V. Bell, Mayor Pro Tempore Cora Cole-McFadden and Council Members Eugene Brown, Diane Catotti, Don Moffitt and Steve Schewel. Absent: Council Member Howard Clement, III

Also present: City Manager Thomas J. Bonfield, City Attorney Patrick Baker, City Clerk D. Ann Gray and Deputy City Clerk Linda Bratcher.

Mayor Bell called the meeting to order with a moment of silence in memory for the victims of the Washington Navy Yard shooting followed by the pledge of allegiance led by Council Member Brown.

Mayor Bell read the following proclamations: Employ Older Workers Week presented to Carol Diggs, Senior Employment Coordinator of Durham Center for Senior Life, Disability Employment Awareness Month presented to Parks and Recreation Director Rhonda Parker and Sarah Hogan, Hispanic Heritage Month presented to Delilah Donaldson, Human Relations Manager and Equality Week in the City of Durham presented to Deputy City Manager Keith Chadwell. All recipients made comments.

Former Council Member Farad Ali presented Mayor Bell with the Leadership in Diversity Award from the Triangle Business Journal.

Council Member Catotti recognized Boy Scout Troop 405 from St. Matthew Catholic Church who was in attendance at the meeting working on their merit and leadership badge.

Several members of Council made comments regarding their participation during the Diaper Drive held as a part of the National Diaper Awareness Week.

Mayor Bell announced that the 2013 Bull City Stand Down for Veterans will be held September 20, 2013.

Mayor Pro Tempore Cole-McFadden announced that Project Homeless Connect will be held October 3, 2013 at the Durham Armory.

Mayor Bell asked for priority items by the City Manager, City Attorney and City Clerk. There were no priority items.

Mayor Bell explained that the Consent Agenda is approved with a single motion and items pulled from that agenda by any citizen or council member will be discussed at the end of the agenda. Consent Agenda Item #9 [Contract Amendment with General Management Solutions,

September 16, 2013

Inc. to Provide Workforce Investment Act (WIA) Adult and Dislocated Worker Services and On-The-Job Training Services from October 1, 2013 through March 31, 2014] was pulled.

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Brown to approve the Consent Agenda as amended was approved at 7:40 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Moffitt and Schewel. Noes: None. Absent: Council Member Clement.

[CONSENT AGENDA]

SUBJECT: Designation of Voting Delegates - North Carolina League of Municipalities Annual Conference, October 13-15, 2013, Hickory, North Carolina

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Brown to appoint Mayor Pro Tempore Cole-McFadden as the voting delegate to attend the North Carolina League of Municipalities Annual Business Meeting on Tuesday, October 15, 2013 was approved at 7:40 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Moffitt and Schewel. Noes: None. Absent: Council Member Clement.

SUBJECT: Bid Report - July 2013

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Brown to receive a report and to record into the minutes bids which were acted upon by the City Manager during the month of July 2013 was approved at 7:40 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Moffitt and Schewel. Noes: None. Absent: Council Member Clement.

Date: August 16, 2013

To: Thomas J. Bonfield, City Manager

Through: Wanda S. Page, Deputy City Manager

**From: David Boyd, Finance Director
 Lynette McRae, Purchasing Supervisor**

Subject: Bid Report – July 2013

Recommendation

To receive a report and to record into the minutes bids which were acted upon by the City Manager during the month of July 2013.

Apparatus, Supplies, Materials, Equipment, Construction and Repairwork:

1. **Bid:** **Copper Sulfate Solution**

Purpose of Bid: To provide Water Management Water Supply & Treatment with copper sulfate solution for taste and odor control in the City's water reservoir.

Comments: 4 totes @ \$4,546.58/tote

Opened: July 8, 2013

| | | | |
|----------|--------------------------|---|-------------|
| Bidders: | Univar USA, Inc. | * | \$18,186.30 |
| | Morrisville, PA | | |
| | Brenntag Mid-South, Inc. | | \$19,602.00 |
| | Durham, NC | | |

*Awarded based on: X Low Bid Other (See Comments)

WORKFORCE STATISTICS
CORPORATION STATISTICS

| | | | | | |
|-----------------|----|-----|-----------------|----|-----|
| Total Workforce | 39 | | # Black Males | 13 | 33% |
| Total # Females | 11 | 29% | # White Males | 14 | 35% |
| Total # Males | 28 | 71% | # Other Males | 1 | 3% |
| | | | # Black Females | 1 | 3% |
| | | | # White Females | 10 | 26% |
| | | | # Other Females | 0 | 0% |

2. **Bid:** **Traffic Signal Control Box Modems**

Purpose of Bid: To provide the Transportation Department with new modems for the traffic signal control boxes maintained by the City.

Comments: 12 @ \$1,133.65/each

Opened: July 8, 2013

| | | |
|----------|----------------------------|---------------|
| Bidders: | Anixter, Inc. | * \$13,603.80 |
| | Glenview, IL | |
| | Graybar Electric Co., Inc. | \$14,400.00 |
| | Austell, GA | |

*Awarded based on: X Low Bid Other (See Comments)

WORKFORCE STATISTICS

CORPORATION STATISTICS

| | | | | | |
|-----------------|-------|-----|-----------------|-------|-----|
| Total Workforce | 4,479 | | # Black Males | 258 | 6% |
| Total # Females | 1,463 | 33% | # White Males | 2,164 | 48% |
| Total # Males | 3,016 | 67% | # Other Males | 594 | 13% |
| | | | # Black Females | 113 | 2% |
| | | | # White Females | 1,102 | 25% |
| | | | # Other Females | 248 | 6% |

3. Bid: Firefighter Protective Clothing

Purpose of Bid: To provide the Fire Department with new replacement firefighting protective clothing and gear.

Comments: Pricing from the City of Charlotte Cooperative Purchasing Alliance (CCPA) Contract #1200344

Opened: September 14, 2011

Bidders: Municipal Emergency Services, Inc. * \$68,422.32
Charlotte, NC

*Awarded based on: ☐ Low Bid ☒ Other (See Comments)

WORKFORCE STATISTICS
CORPORATION STATISTICS

| | | | | | |
|-----------------|-----|-----|-----------------|-----|-----|
| Total Workforce | 260 | | # Black Males | 3 | 1% |
| Total # Females | 51 | 20% | # White Males | 197 | 76% |
| Total # Males | 209 | 80% | # Other Males | 9 | 3% |
| | | | # Black Females | 0 | 0% |
| | | | # White Females | 49 | 19% |
| | | | # Other Females | 2 | 1% |

4. Bid: Speer Gold Dot Ammunition

Purpose of Bid: Ammunition purchase for the Police Department Training Academy and in-service personnel.

Comments: Lawmen's is the sole North Carolina distributor and State Contract vendor for the Speer Gold Dot brand of ammunition. Speer manufactures ammunition for Law Enforcement agencies only.
NC State Contract No. 680A

September 16, 2013

Opened: July 11, 2013

Bidders: Lawmen's Safety Supply, Inc. * \$124,679.13
Raleigh, NC

*Awarded based on: _____ Low Bid X Other (See Comments)

WORKFORCE STATISTICS
CORPORATION STATISTICS

| | | | | | |
|-----------------|----|-----|-----------------|----|-----|
| Total Workforce | 26 | | # Black Males | 1 | 4% |
| Total # Females | 13 | 50% | # White Males | 12 | 46% |
| Total # Males | 13 | 50% | # Other Males | 0 | 0% |
| | | | # Black Females | 0 | 0% |
| | | | # White Females | 13 | 50% |
| | | | # Other Females | 0 | 0% |

5. Bid: Water Meter Expansion Connections (Meter Wheels)

Purpose of Bid: To provide the Water Management Distribution Collections System with replacement 5/8" water meter expansion connections (meter wheels).

Comments: 3,000 @ \$10.91/each

Opened: July 11, 2013

| | | |
|----------|----------------------------|---------------|
| Bidders: | HD Supply Waterworks, Inc. | * \$32,730.00 |
| | Morrisville, NC | |
| | Fortiline Waterworks, Inc. | \$40,470.00 |
| | Raleigh, NC | |
| | Garcorp, Inc. | \$44,250.00 |
| | Durham, NC | |
| | Water Works, Inc. | \$48,630.00 |
| | Raleigh, NC | |

*Awarded based on: X Low Bid _____ Other (See Comments)

WORKFORCE STATISTICS
CORPORATION STATISTICS

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|-----------------|----|-----|---------------|----|-----|
| Total Workforce | 15 | | # Black Males | 3 | 20% |
| Total # Females | 1 | 7% | # White Males | 11 | 73% |
| Total # Males | 14 | 93% | # Other Males | 0 | 0% |

| | | |
|-----------------|---|----|
| # Black Females | 0 | 0% |
| # White Females | 1 | 7% |
| # Other Females | 0 | 0% |

6. Bid: Water Meter Registers

Purpose of Bid: To provide the Water Management Distribution Collections System with replacement 5/8" water meter Ecoder radio frequency registers. These registers are used as part of the residential water meter replacement program.

Comments: 100 @ \$157.50/each

Opened: July 11, 2013

| | | |
|----------|--------------------------------|---------------|
| Bidders: | HD Supply Waterworks, Inc. | * \$15,750.00 |
| | Morrisville, NC | |
| | Neptune Technology Group, Inc. | \$18,585.00 |
| | Tallassee, AL | |

*Awarded based on: X Low Bid Other (See Comments)

WORKFORCE STATISTICS
CORPORATION STATISTICS

| | | | | | |
|-----------------|----|-----|-----------------|----|-----|
| Total Workforce | 15 | | # Black Males | 3 | 20% |
| Total # Females | 1 | 7% | # White Males | 11 | 73% |
| Total # Males | 14 | 93% | # Other Males | 0 | 0% |
| | | | # Black Females | 0 | 0% |
| | | | # White Females | 1 | 7% |
| | | | # Other Females | 0 | 0% |

7. Bid: Traffic Conflict Monitors and Accessories

Purpose of Bid: To provide the Transportation Department with replacement traffic signal conflict monitors and accessories.

Comments: Pricing from NC State Contract #550E

Opened: July 10, 2013

| | | |
|----------|-----------------------------|---------------|
| Bidders: | McCain Traffic Supply, Inc. | * \$11,494.00 |
| | Vista, CA | |
| | ATS-Sales, LLC | \$14,038.00 |
| | Chantilly, VA | |

*Awarded based on: X Low Bid Other (See Comments)

WORKFORCE STATISTICS
CORPORATION STATISTICS

| | | | | | |
|-----------------|-----|-----|-----------------|----|-----|
| Total Workforce | 196 | | # Black Males | 1 | 1% |
| Total # Females | 42 | 21% | # White Males | 67 | 34% |
| Total # Males | 154 | 79% | # Other Males | 86 | 44% |
| | | | # Black Females | 1 | 1% |
| | | | # White Females | 22 | 11% |
| | | | # Other Females | 19 | 9% |

8. Bid: Repair Takeuchi Excavator

Purpose of Bid: To provide Fleet Management with parts and service to repair the Takeuchi engine block and external damage.

Comments: Atlantic Coast was considered non-responsive due to providing a cost estimate for repairs only.

Opened: July 16, 2013

| | | | |
|----------|----------------------------|----------------|---------------|
| Bidders: | Atlantic Coast Toyota Lift | non-responsive | \$24,160.80 |
| | Wilmington, NC | | |
| | CCS Equipment Sales, LLC | | * \$26,255.60 |
| | Youngsville, NC | | |

*Awarded based on: Low Bid X Other (See Comments)

WORKFORCE STATISTICS
CORPORATION STATISTICS

| | | | | | |
|-----------------|----|-----|-----------------|----|-----|
| Total Workforce | 15 | | # Black Males | 1 | 7% |
| Total # Females | 1 | 7% | # White Males | 13 | 86% |
| Total # Males | 14 | 93% | # Other Males | 0 | 0% |
| | | | # Black Females | 0 | 0% |
| | | | # White Females | 1 | 7% |
| | | | # Other Females | 0 | 0% |

9. Bid: Pipe Valves and Reducers

Purpose of Bid: To provide Water Management with various pipe valves and pipe reducers for sewer pipe improvements at the City Landfill.

September 16, 2013

Comments:

Opened: July 12, 2013

Bidders: ISCO Industries, Inc. * \$13,661.00
Louisville, KY
HS Supply Waterworks, Ltd. \$15,422.96
Charlotte, NC

*Awarded based on: X Low Bid Other (See Comments)

WORKFORCE STATISTICS
CORPORATION STATISTICS

| | | | | | |
|-----------------|-----|-----|-----------------|-----|-----|
| Total Workforce | 384 | | # Black Males | 13 | 3% |
| Total # Females | 42 | 11% | # White Males | 295 | 77% |
| Total # Males | 342 | 89% | # Other Males | 34 | 9% |
| | | | # Black Females | 1 | 1% |
| | | | # White Females | 37 | 9% |
| | | | # Other Females | 4 | 1% |

10. Bid: Traffic Signal Cabinets & Accessories

Purpose of Bid: To provide the Transportation Department with replacement traffic signal cabinets and accessories.

Comments: Pricing from NC State Contract #550E

Opened: July 10, 2013

Bidders: McCain Traffic Supply, Inc. * \$34,240.00
Vista, CA
RAI Products, Inc. \$46,799.48
Charlotte, NC
ATS-Sales, LLC \$50,192.00
Chantilly, VA

*Awarded based on: X Low Bid Other (See Comments)

WORKFORCE STATISTICS
CORPORATION STATISTICS

| | | | | | |
|-----------------|-----|-----|---------------|----|-----|
| Total Workforce | 196 | | # Black Males | 1 | 1% |
| Total # Females | 42 | 21% | # White Males | 67 | 34% |
| Total # Males | 154 | 79% | # Other Males | 86 | 44% |

| | | |
|-----------------|----|-----|
| # Black Females | 1 | 1% |
| # White Females | 22 | 11% |
| # Other Females | 19 | 9% |

11. Bid: Repair Parts for Upgrades at City Parking Decks

Purpose of Bid: To provide the Transportation Department with repair parts and accessories for Corcoran, Church and Chapel Hill Street Parking Decks.

Comments: Gunneson Electric was deemed non-responsive, due to not bidding on all items.

Opened: July 23, 2013

| | | | |
|----------|-----------------------|----------------|---------------|
| Bidders: | Gunneson Electric Co. | non-responsive | \$12,700.00 |
| | Winston Salem, NC | | |
| | Adequate Electric | | * \$16,566.00 |
| | Cary, NC | | |

*Awarded based on: ___ Low Bid ___ X Other (See Comments)

WORKFORCE STATISTICS
CORPORATION STATISTICS

| | | | | | |
|-----------------|---|------|-----------------|---|------|
| Total Workforce | 2 | | # Black Males | 0 | 0% |
| Total # Females | 0 | 0% | # White Males | 2 | 100% |
| Total # Males | 2 | 100% | # Other Males | 0 | 0% |
| | | | # Black Females | 0 | 0% |
| | | | # White Females | 0 | 0% |
| | | | # Other Females | 0 | 0% |

The Small Disadvantaged Business Enterprise data base was used in the solicitation of bids for these items.

Sufficient funds were available at the time of the award. The Administration recommends acceptance of the above bids denoted by an asterisk (*).

SUBJECT: Proclamation of Equality Week in the City of Durham

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Brown to approve a Proclamation of Equality Week in the City of Durham was approved at 7:40 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Moffitt and Schewel. Noes: None. Absent: Council Member Clement.

SUBJECT: Funding for Permanent Housing for Persons with Special Needs

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Brown to approve advertising the availability of the dedicated funding source fund balance and approve the application threshold requirements and evaluation criteria as set forth in the agenda memo was approved at 7:40 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Moffitt and Schewel. Noes: None. Absent: Council Member Clement.

SUBJECT: Grant Project Ordinance (GPO) Amendments for Community Development Block Grant (CDBG), Home Program Grant, and Emergency Solutions Grant (ESG) for FY 2013-2014 Amended Award Amounts

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Brown to adopt the City of Durham/U.S. Department of Housing and Urban Development Community Development Block Grant (CDBG) FY 2013-2014 Grant Project Ordinance Superseding Ordinance #14438 in the amount of \$1,913,876.00;

To adopt the City of Durham/U.S. Department of Housing and Urban Development HOME Consortium Program FY 2013-2014 Grant Project Ordinance Superseding Ordinance #14439 in the amount of \$1,197,454.00; and

To adopt the City of Durham/U.S. Department of Housing and Urban Development Emergency Solutions Grant (ESG) FY 2013-2014 Grant Project Ordinance Superseding Ordinance #14440 in the amount of \$119,536.00 was approved at 7:40 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Moffitt and Schewel. Noes: None. Absent: Council Member Clement.

Ordinance #14505, 14506 and 14507

SUBJECT: Grant Project Ordinance (GPO) Amendments for Community Development Block Grant (CDBG) and Home Program Grant for FY 2012-13 Actual Program Income Received

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Brown to adopt the City of Durham/U.S. Department of Housing and Urban Development Community Development Block Grant (CDBG) FY 2012-2013 Grant Project Ordinance Superseding Ordinance #14261 in the amount of \$1,791,543.53; and

To adopt the City of Durham/U.S. Department of Housing and Urban Development HOME Consortium Program FY 2012-2013 Grant Project Ordinance Superseding Ordinance #14460 in

September 16, 2013

the amount of \$1,379,797.85 was approved at 7:40 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Moffitt and Schewel. Noes: None. Absent: Council Member Clement.

Ordinance #s 14508 and 14509

SUBJECT: FY 2014 Contract between the City of Durham and Center for Documentary Studies

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Brown to authorize the City Manager to execute a contract with the Center for Documentary Studies to Fund Cultural Arts Activities in an amount not to exceed \$55,000.00 was approved at 7:40 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Moffitt and Schewel. Noes: None. Absent: Council Member Clement.

SUBJECT: City of Durham Employment and Training 2012-2014 Grant Project Ordinance Superseding Grant Project Ordinance #14489

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Brown to authorize the City Manager to accept the Employment and Training Grant by executing the grant documents; and

To adopt the City of Durham Employment and Training 2012-2014 Grant Project Ordinance Superseding Grant Project Ordinance #14489 was approved at 7:40 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Moffitt and Schewel. Noes: None. Absent: Council Member Clement.

Ordinance #14510

SUBJECT: Contract with the North Carolina Institute for Minority Economic Development (NCIMED) of Durham, North Carolina to Provide Project Management Services for the Telecommunications and Energy Jobs Training Pilot Demonstration Grant

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Brown to authorize the City Manager to execute a contract with the North Carolina Institute for Minority Economic Development (NCIMED) from September 1, 2013 to August 31, 2014 to provide project management services for the Telecommunications and Energy Jobs Training Pilot Demonstration Grant was approved at 7:40 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Moffitt and Schewel. Noes: None. Absent: Council Member Clement.

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SUBJECT: Second Amendment to Assignment Agreement between the City of Durham and the Durham Bulls Baseball Club for the Operation of the Durham Athletic Park

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Brown to authorize the City Manager to execute a second amendment to the Assignment Agreement with the Durham Bulls Baseball Club, Inc. extending the operation of the DAP an additional twelve (12) months to September 30, 2014 for an amended contract amount of \$73,569.24 was approved at 7:40 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Moffitt and Schewel. Noes: None. Absent: Council Member Clement.

SUBJECT: Resolution Authorizing the City Auction

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Brown to adopt a Resolution Authorizing the City Auction to be held on October 26, 2013 at 10:00 a.m. was approved at 7:40 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Moffitt and Schewel. Noes: None. Absent: Council Member Clement.

Resolution #9873

SUBJECT: Extension of Lease between the City of Durham and the Durham Arts Council - Amendment #2

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Brown to authorize the City Manager to execute an Amendment #2 to the lease between the City of Durham and the Durham Arts Council from October 14, 2013 through December 31, 2013 with payment for the additional time not to exceed \$139,805.03 was approved at 7:40 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Moffitt and Schewel. Noes: None. Absent: Council Member Clement.

SUBJECT: Development Agreement for the Construction of a Wrapper Building Adjacent to the Durham Performing Arts Center - The Blackwell Street Management Company, LLC - Hotel Commercial, LLC

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Brown to adopt a Capital Improvement Plan ordinance for the Durham Performing Arts Center;

To authorize the City Manager to execute a development agreement with The Blackwell Street Management Company, LLC for the Wrapper Building adjacent to the Durham Performing Arts Center and DPAC amenities;

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To authorize the City Manager to execute the purchase contract with Hotel Commercial, LLC, pursuant to the terms of the Development Agreement, for the condominium unit consisting of 942 square feet on the second floor of the Wrapper Building in an amount of \$641,338.00 pursuant to the terms and conditions outlined in the development agreement; and

To authorize the City Manager to execute the Lease Agreement with Hotel Commercial, LLC, pursuant to the terms of the Development Agreement, for the DPAC President's Club (lounge), consisting of 4,024 square feet, on the first and second floor of Wrapper building, for \$9,054.00 per month, for the initial term of 9 years with options to renew up to an additional 22 years, pursuant to the terms and conditions outlined in the development agreement was approved at 7:40 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Moffitt and Schewel. Noes: None. Absent: Council Member Clement.

Ordinance #14511

SUBJECT: Amendment #1 to the Contract for Renting Stationary Containers - Waste Industries, LLC

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Brown to authorize the City Manager to execute an Amendment #1 to the restated contract between the City of Durham and Waste Industries, LLC for stationary container rental, renewing the contract for an additional one-year term at a cost of \$16,414.00 was approved at 7:40 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Moffitt and Schewel. Noes: None. Absent: Council Member Clement.

SUBJECT: MUNIS Software Annual Support and License Agreement - Tyler Technologies, Inc.

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Brown to authorize the City Manager to execute an Annual Support Agreement and License Agreement with Tyler Technologies, Inc. for the use and support of the MUNIS ERP software for a period of one year at a cost of \$315,893.29 was approved at 7:40 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Moffitt and Schewel. Noes: None. Absent: Council Member Clement.

SUBJECT: Amend Ordinance for Fixed Sewer Only Rates

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Brown to adopt an Ordinance Amending Section 70-51(b) of the City Code to omit the requirement of a notarization on an affidavit to qualify for fixed reduced sewer rates was approved at 7:40 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council

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Members Brown, Catotti, Moffitt and Schewel. Noes: None. Absent: Council Member Clement.

Ordinance #14512

SUBJECT: Durham County Board of Health Recommendation on Municipal Water Fluoridation

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Brown to adopt the Board of Health recommendation to continue fluoridation of Durham's municipal water supply at the current levels as deemed effective for the prevention of tooth decay and for promotion of good oral health by the US-DHHS and Centers of Disease Control and Prevention was approved at 7:40 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Moffitt and Schewel. Noes: None. Absent: Council Member Clement.

The City Council disposed of the following agenda items at the September 5, 2013 Work Session:

18. FY12-13 4th Quarter Financial Report

(A presentation was received at the 09-05-13 Work Session)

To receive the FY 12-13 4th Quarter 2013 Financial Report.

19. Durham County Tax Administration Annual Tax Settlement

(A presentation was received at the 09-05-13 Work Session)

To receive a presentation from the Tax Collector of the tax settlement for FY2013.

24. MoveOn.org and Working People in the City of Durham

(Comments were received at the 09-05-13 Work Session)

To receive comments from Lezley McDouall regarding City Ordinance #11333 - Livable Wage.

25. Visions Counseling Studio, PLLC

(Comments were received at the 09-05-13 Work Session)

To receive comments from Nanette Matthews regarding the South Side Revitalization Project.

26. Scott Barndt

(Citizen did not appear at the 09-05-13 Work Session)

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To receive comments from Scott Barndt regarding solicitation and housing for the elderly.

27. Parking Fee for Downtown Residents

(Comments were received at the 09-05-13 Work Session)

To receive comments from Jamie Hahn and Marcia McNally regarding parking fee for downtown residents.

[GENERAL BUSINESS AGENDA]

SUBJECT: 2013 Second Quarter Crime Summary Report

To receive the Durham Police Department's 2013 Second Quarter Crime Summary Report.

Police Chief Jose Lopez presented the Police Department's 2013 second quarter Crime Summary Report. He gave a power point presentation highlighting the following:

Part 1 Index Crime

- Total of property and violent crime
- 15-year low during first six months of 2013
- Significant decreases in aggravated assaults and burglaries
- Part 1 Violent Crime – 3 year average [Homicide, Rape, Robbery, Aggravated Assault and Violent Crime]

Part 1 Violent Crime

- Homicides, rapes, aggravated assaults and robberies
- Lowest since 2005
- Down 9 percent in first six months compared to 2012

Part 1 Property Crime

- Burglary, larceny and motor vehicle theft
- Overall property crime and larcenies at 15-year lows
- Property crime down 5 percent compared to 2012
- Part 1 Property Crime 3-year average [Burglary, Larceny, Motor Vehicle Theft]
-

Clearance Rates

Priority 1 Call Response Time

- 6,178 Priority 1 calls from July 1, 2012 to June 30, 2013
- 5.9 minute average response time – Target is 5.8 minutes
- 54.4% under 5 minutes – Does not meet target of 57%

Staffing Levels – June 30, 2013

- Sworn – 508/513 – 99%

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- Non-Sworn –103/116 – 89%

DPD Community Activities
National Night Out

CALEA Accreditation

- DPD – CALEA Accreditation since 1991
- On-Site Assessment – June 9 to 12, 2013
- Going for Gold Standard - Highest Level
- Positive Feedback from CALEA

At the request of Mayor Pro Tempore Cole-McFadden, Chief Lopez stated that he would provide information on youth crime trend.

Victoria Peterson expressed a concern with youth crime as well as overall crime in the African American community. She asked that a report be provided on the Part 2 crime.

No action was taken by the City Council on this item.

[GENERAL BUSINESS AGENDA - PUBLIC HEARINGS]

SUBJECT: Mini Assessment Roll for Sewer Main on East Cornwallis Road

To delay the continued public hearing to the October 7, 2013, City Council Meeting.

Public Works Director Marvin Williams asked Council to continue the public hearing on this mini assessment roll for sewer main on East Cornwallis Road to the October 7, 2013 City Council Meeting. He stated that all effected property owners have been notified of this request.

Mayor Bell opened the public hearing.

MOTION by Council Member Schewel seconded by Council Member Catotti to continue the public hearing on the mini assessment roll for sewer main on East Cornwallis Road to the October 7, 2013, City Council meeting was approved at 7:54 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Moffitt and Schewel. Noes: None. Absent: Council Member Clement.

SUBJECT: Consolidated Annexation Item – Hendrick Southpoint – Durham Investments, LLC – Parkwood Volunteer Fire Department

To conduct a public hearing to receive comments on the Consolidated Annexation – Hendrick Southpoint;

September 16, 2013

To authorize the City Manager to enter into a water and sewer extension agreement with Durham Investments, LLC;

To adopt an Ordinance Annexing the Hendrick Southpoint development into the City of Durham effective September 30, 2013;

To authorize the City Manager to make a one-time debt service payment to the Parkwood Volunteer Fire Department in connection with Hendrick Southpoint;

To adopt a Resolution to Change the Land Use designation on the Future Land Use Map of the Durham Comprehensive Plan from Low-Medium Density Residential (4 to 8 DU/Ac.) to Commercial;

To adopt an Ordinance Amending the Unified Development Ordinance by taking the described property in zoning map change case Z1200025 out of Residential Rural (RR) and placing same in and establishing same as Commercial General with a Development Plan (CG(D)); and

To adopt as support for its action on the proposed zoning map change the determinations that the action is consistent with the Comprehensive Plan and is reasonable and in the public interest in light of information presented in the public hearing and in the accompanying agenda materials.

Alternatively, in the event that a motion to approve the item fails, the Council adopts as support for its action on the proposed zoning map change the determination that, notwithstanding its consistency with the Comprehensive Plan, the request is neither reasonable nor in the public interest in light of information presented in the public hearing and in the accompanying agenda materials.

Scott Whiteman, of the City/County Planning Department, certified that all notifications for these items have been provided and affidavits are on file as required by law. He stated that this consolidated annexation item consists of four separate requests related to the Hendrick Southpoint development. He stated the applicant is requesting a utility extension agreement to provide City water and sewer service to the site. The Public Works and Water Management departments performed a utility impact analysis and determined that capacity is adequate to serve the proposed development. Mr. Whiteman presented the following staff report:

Case BDG12-02 is a voluntary petition for contiguous annexation submitted by the property owners for this site. The Budget and Management Services Department has performed a fiscal impact analysis based on the most intense use permitted within the proposed initial zoning and it is estimated that revenues will exceed estimated expenditures immediately upon the annexation.

Plan amendment case A12-14 is a request to change the future land use map for 12.87 acres of the overall site from Low-Medium Density Residential to Commercial.

Zoning Case Z1200025 is a request for initial zoning of the entire site for Commercial General with a development plan in the City. The proposed zoning would allow up to 180,000 square feet of commercial development.

In addition to the commitments proffered by the applicant and listed in the staff report, the following new commitments were provided to the Planning Department today:

- 1) No loudspeakers will be used on the campus.
- 2) Outdoor lighting will be down lighting without sag lenses. Lenses will not protrude lower than lighting fixtures. House shields will be utilized in fixtures within 50 feet of residential uses.
- 3) No tractor-trailer truck deliveries will occur between the hours of 8:00 p.m. and 6:00 a.m.
- 4) Accessory buildings will not exceed 2 stories in height.
- 5) An 18- inch stone wall will be erected along the eastern boundary line on Fayetteville Road from the southern property line north to the 20 foot buffer at Chaparral Drive.
- 6) A payment will be made into the City's sidewalk fund, at the City's established rate, of the funds necessary to extend the sidewalk along Fayetteville Road from the southern property line to the intersection of Massey Chapel Road.
- 7) The buffer along the southern property line from the stream buffer to Fayetteville Road shall be 75 feet in width.

Mr. Whiteman reported that staff recommends that Council approve the extension agreement, voluntary annexation, plan amendment and initial zoning. He stated the Planning Commission recommended approval of both the plan amendment and zoning.

Mayor Bell opened the public hearing and asked that each item [annexation, plan amendment, and zoning] be discussed and voted on separately.

[Annexation - Voluntary]

Mayor Bell stated that he wanted to make sure that every owner of property being proposed as a part of this item has submitted a voluntary annexation petition. He stated annexation laws have changed and the City can no longer do involuntary annexations.

Scott Whiteman, of the City/County Planning Department, stated at the time the petition was submitted, the City Clerk certified that all signatures were received [see staff report -- Attachment 17] and today staff verified based on the current tax records that the same people are owners of record and signatures have been received from those owners.

There being no one to speak in support for or against this item, the Mayor closed the public hearing.

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Brown to adopt an Ordinance annexing the Hendrick Southpoint development into the City of Durham effective September 30, 2013 was approved at 8:01 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Moffitt and Schewel. Noes: None. Absent: Council Member Clement.

Ordinance #14513

[Plan Amendment]

Mayor Bell opened the public hearing.

Scott Whiteman, of the City/County Planning Department, referenced comments that were made during his initial presentation of this item.

Attorney Lewis Cheek, representing the applicant, spoke in support of this plan amendment and zoning map change in the Kentington Heights area. He asked Council to amend the future land use map of the Comprehensive Plan to change the designation for 12.87 acres from low-medium density residential to commercial. He outlined the following reasons why Council should support this request to include: the commercial designation is in character with the way surrounding property has developed and is developing; Kentington Heights has been indicated as a future commercial node since 2002 and this is a natural extension of the node to additional frontage on Fayetteville Road; requirements for stream buffering, storm management and road widening make this parcel economically infeasible for low medium residential development, stream buffering creates 2 building areas which restrict low medium residential development, there is no water and sewer to the property, stream buffers provide a natural boundary between commercial and residential to the south; amenities consistent with Comprehensive Plan policies and future land use patterns; there is sufficient infrastructure for the development of this property as commercial; designating this property as commercial would not adversely impact necessary dwelling units; and the site is of adequate shape and size to accommodate the use. He urged Council to support this plan amendment.

Helen Ellison spoke against this item expressing a concern about the road widening for the left-hand turn. She stated she lives on the corner of Fayetteville Road and Massey Chapel Road and she is not sure how much of her land would be taken for the improvement [left- hand turn lane] and if she would be compensated for her property.

Bill Judge, of the Transportation Department, addressed how Mr. Ellison's property would be impacted. He stated as part of the zoning, there is a requirement of 751 South as previously proffered to widen Massey Chapel Road—2 westbound lanes and this developer also included proffer that the land may be required. If that improvement is required as part of the site plan, the developer would be responsible for acquiring any needed right-of-way and compensating the property owner. He responded to questions regarding the time line for improvement, length of turn lane and made comments regarding how the right-of-way purchase process is determined.

City/County Planning Director Steve Medlin stated if the developer is unable to execute a committed element that is on the development plan, they cannot move forward with their project.

Discussion was held on which developer would make the improvement—the developer for Hendrick Southpoint or 751 South.

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To address Ms. Ellison's concern, Mayor Bell explained it depends on which developer submits their plan first—this developer or 751 South. In any event, it would have to be a negotiated settlement between Ms. Ellison and the property developer regarding the price of the land.

Jeannette Wilson, representing homeowners of Kentington Heights, spoke in support of this project. She made comments regarding the water and sewer problems experienced by the neighborhood. Also, she read a statement from the residents of Kentington Heights in support of the Hendrick at Southpoint proposed development. She stated they are satisfied with any and all arrangements with this developer.

Mayor Bell closed the public hearing.

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Brown to receive comments on the Consolidated Annexation – Hendrick Southpoint; and

To adopt a Resolution to Change the Land Use designation on the Future Land Use Map of the Durham Comprehensive Plan from Low-Medium Density Residential (4 to 8 DU/Ac.) to Commercial was approved at 8:28 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Moffitt and Schewel. Noes: None. Absent: Council Member Clement.

Resolution #9874

[Zoning Map Change]

Scott Whiteman, of the City/County Planning Department, briefed Council on the zoning map change referencing comments there were made during his initial presentation of this item.

As this was the time and place set for the public hearing, anyone interested was given the opportunity to be heard.

Proponent

Attorney Lewis Cheek, representing the applicant, asked Council to rezone the entire parcel as commercial general with a development plan. He provided background information on the area of Kentington Heights, discussed the plans for Hendrick Southpoint project that would bring an automobile park to this parcel and made comments on the economic impact of this project. He stated that this is a city initiated zoning request that is consistent with the requirements of the UDO and with the plan amendment-- this request is consistent with the Comprehensive Plan and applicable policies and ordinances. He said this is the only opportunity for Kentington Heights to get the commercial use that they have fought for all these years and for Durham to realize the substantial increase in tax base and to see beneficial use made of the property that has sat vacant for many years. He urged Council to approve the zoning map change request to commercial general with a development plan. Regarding Ms. Ellison's issue, he stated the developer is moving ahead on the site plan. They have submitted two site plans and anticipate that the 751

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project would be the project that will be called upon to do whatever needs to be done with respect to Massey Chapel Road and improvements that were discussed.

Stacy Woodhouse, representing the applicant, stated at the beginning of this project, they thought there may be a possibility that they would make the improvement. He made comments on several meetings held with Ms. Ellison and stated she would be compensated for such taking of road improvements if they had to make them. After the analysis, they determined that the amount of road and right-of-way that need to be taken is much less on the northern side than the southern side of the road which had less impact on property owners. He stated that the phasing plan showed since the submittal of their other site plan, it indicates they would not be required to make this improvement.

Mayor Bell asked Ms. Ellison if she understood comments made.

Helen Ellison replied yes.

Mayor Bell closed the public hearing.

City/County Planning Director Steve Medlin responded to questions raised by Council Member Catotti regarding the following committed element: buffer along the southern property line from the stream buffer to Fayetteville Road shall be 75 feet in width. He reported there is a 100-foot stream buffer from each side and the committed element that the applicant proffered this evening has added an additional 25 feet of buffer area to the southern buffer that had originally been proposed for 50 feet. Also, he made comments regarding the submitted site plan and impact of current design of dealership.

Attorney Lewis Cheek made comments about Phase 1 and stated Phase 2 would be a continuation of their plans for Phase I. Also, he noted the applicant would be purchasing those properties following the approval of this item.

Mayor Bell asked developer if they had options for all the remaining properties.

Attorney Lewis Cheek replied yes.

Stacey Woodhouse, representing the applicant, stated they approached Southpoint Mall about purchasing their five parcels inside Kentington Heights. He reported they are currently having discussions with them and purchase price has not been worked out at this point. He stated that they will be moving forward regardless if Southpoint Mall sells their property. He stated that they would be purchasing all properties whether there is a home on the lot or not.

Attorney Lewis Cheek discussed the view that would be seen after the project has been developed and the buffer along the southern property line.

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MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Brown to receive comments on the Consolidated Annexation – Hendrick Southpoint;

To adopt an Ordinance Amending the Unified Development Ordinance by taking the described property in zoning map change case Z1200025 out of Residential Rural (RR) and placing same in and establishing same as Commercial General with a Development Plan (CG(D)); and

To adopt as support for its action on the proposed zoning map change the determinations that the action is consistent with the Comprehensive Plan and is reasonable and in the public interest in light of information presented in the public hearing and in the accompanying agenda materials was approved at 8:45 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Moffitt and Schewel. Noes: None. Absent: Council Member Clement.

Ordinance #14514

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Brown to authorize the City Manager to enter into a water and sewer extension agreement with Durham Investments, LLC was approved at 8:45 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Moffitt and Schewel. Noes: None. Absent: Council Member Clement.

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Schewel to authorize the City Manager to make a one-time debt service payment to the Parkwood Volunteer Fire Department in connection with Hendrick Southpoint was approved at 8:46 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Moffitt and Schewel. Noes: None. Absent: Council Member Clement.

[ITEM PULLED FROM CONSENT AGENDA]

SUBJECT: Contract Amendment with General Management Solutions, Inc. to Provide Workforce Investment Act (WIA) Adult and Dislocated Worker Services and On-The-Job Training Services from October 1, 2013 through March 31, 2014

Mayor Pro Tempore Cole-McFadden and Council Member Brown asked questions there were addressed by staff.

Director of Economic and Workforce Development Kevin Dick discussed the cost per job, longevity of employees, number of clients that have been served, and amount spent for this contract. He noted jobs have been paying above the livable wage and this would be the last contract extension for General Management Solutions under the request for proposals.

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After this contract ends, Mayor Pro Tempore Cole-McFadden spoke in favor of another organization from North Carolina getting an opportunity to do this work.

MOTION by Mayor Pro Tempore Cole-McFadden seconded by Council Member Moffitt to authorize the City Manager to executed a fifth contract amendment to the original contract with General Management Solutions, Inc., increasing the original contract amount by \$495,000.00 in order to provide uninterrupted adult and dislocated worker services and On-The-Job Training Services from October 1, 2013 through March 31, 2014 for a total contract amount not to exceed \$3,156,227.00 was approved at 8:57 p.m. by the following vote: Ayes: Mayor Bell, Mayor Pro Tempore Cole-McFadden and Council Members Brown, Catotti, Moffitt and Schewel. Noes: None. Absent: Council Member Clement.

There being no further business to come before the City Council, the meeting was adjourned at 8:57 p.m.

Linda E. Bratcher, CMC
Deputy City Clerk

D. Ann Gray, MMC, NCCMC
City Clerk